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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,241	04/24/2001	Gregg Freishtat	P3985	7519
24739	7590	06/19/2006		
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004				
			EXAMINER KARMIS, STEFANOS	
			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/842,241	Applicant(s) FREISHTAT ET AL.	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/2001 and 10/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following application has been reviewed. Original claims 1-40 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 states a “rules-based filter” but there is filtering steps in the claim. Instead it appears to only be “interacting” with communications and therefore it appears that no filtering is actually performed and there is no indication of any criteria used in a filtering process.

Therefore, claims 1 is rendered indefinite because the manner in which the “rules-based filter” works would not be obvious to one of ordinary skill in the art. Claims 11, 21 and 31 have similar limitations to that of claim 1 and therefore are rejected in a similar manner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-12, 14-22, 24-32 and 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Sehr U.S. Patent 6,386,451.

Regarding claims 1, 11, 21 and 31 Sehr discloses a software-based syndication and filtering platform for a first Web server hosted by a first enterprise, comprising: a rules-based filter for interacting with communications from customers of the first enterprise, the communications coming from a second Web-site of a second enterprise (column 4, line 57 thru column 5, line 6 and column 5, line 58 thru column 6, line 18); and a discrimination layer for providing specific services to said customers according to one or more characteristics of the Web site of the second enterprise (column 7, lines 28-67).

Claims 2, 12, 22 and 32, further comprising a layer for interacting with a third Web server hosted by a third enterprise (column 4, line 57 thru column 5, line 6).

Claims 4, 14, 24 and 34, wherein the first enterprise is one of a financial enterprise, a travel enterprise, or a security services enterprise (column 7, lines 28-67).

Claims 5, 15, 25 and 35, wherein the first enterprise is a financial institution having money deposited for the customer in one or more accounts, and the specific services include enabling the customer to accomplish one or more of transferring money from one account to

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another, and transferring money from an account to settle an obligation to a third party (column 7, lines 28-67 and column 10, lines 25-65).

Claims 6, 16, 26 and 36, wherein the transferring money to settle an obligation comprises paying a bill for either goods or services (column 2, lines 32-52, column 7, lines 28-67 and column 10, lines 25-65).

Claims 7, 17, 27 and 37, wherein the first enterprise is a travel enterprise, and the specific services include one or more of enabling the customer to transact reservations for travel and redeeming mileage bonuses (column 2, lines 32-52, column 7, lines 28-67 and column 10, lines 25-65).

Claims 8, 18, 28 and 38, wherein the specific services include one or more of (a) creating a new account, (b) authenticating the customer, (c) retrieving summary balance information, (d) retrieve detailed transactions, (e) initiating a funds transfer from one account to another, (9 get a list of eligible rewards, or (g) redeem mileage points 8 (column 2, lines 32-52, column 7, lines 28-67 and column 10, lines 25-65).

Claims 9, 19, 29 and 39, wherein the platform is a software development kit further comprising a development layer enabling the first enterprise to edit rules and normalize communication protocol (column 4, lines 4-29 and column 5, lines 1-61).

Claims 10, 20, 30 and 40, wherein the second enterprise is an Internet portal enterprise (column 4, line 57 thru column 5, line 6 and column 5, line 58 thru column 6, line 18).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 3, 13, 23 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr U.S. Patent 6,386,451 in view of Freishtat et al. (hereinafter Freishtat) U.S. Patent 6,317,783.

Regarding claims 3, 13, 23 and 33, Sehr teaches a travel system and method utilizing multi-application passport cards. Sehr fails to teach a third enterprise that provides personal

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information (PI) collection and aggregation services, and the first enterprise accesses aggregated P1 for the customer from the third Web server while interacting with the customer through the Web server of the second enterprise. Freishtat teaches an apparatus and methods for automated aggregation and delivery of transactions involving electronic personal information or data (column 4, lines 22-51). It would have been obvious to modify the teachings of Sehr which include storing personal information for use in transactions with the teachings of Freishtat of aggregating personal information in transactions because the information is important to providing specific transactions to particular customers. This would be beneficial to Sehr teachings of identifying cardholders so that specific services are provided to certain customers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
02 June 2006



HANI M. KAZIMI
PRIMARY EXAMINER